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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,515	01/23/2004	Harold Ray Bettencourt JR.	0349.69065	7240

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EXAMINER

NGUYEN, NINH H

ART UNIT PAPER NUMBER

3745

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,515

Applicant(s)

BETTENCOURT ET AL.

Examiner

Ninh H. Nguyen

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 1,5,8,10,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,7,9,12 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/20/04, 06/24/04, 03/05/04

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 12 and 13 are objected to because of the following informalities: claim 12 should be dependent on claim 11 rather than claim 10. Appropriate correction is required.

Claim 13 is objected to as being dependent on claim 12.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoemaker (6,126,079).

Shoemaker discloses a control for a fan (Figs. 1-3) comprising a logic circuit 110 configured for receiving a monitoring signal and generating a fan control signal based on the monitoring signal (col. 3, lines 51-54); at least one timer connected to the logic circuit and configured for generating a purge signal (col. 4, lines 24-27); a relay assembly 34, 36, 74 connected to the logic circuit and configured for receiving the fan control signal and the purge signal to operate the fan in a plurality of operating modes;

wherein the relay assembly comprises a pair of relays 34, 36;

Art Unit: 3745

wherein the fan is a non-variable pitch fan having fan blades and the relay assembly causes a change in a direction of rotation of the fan blades (col. 4, lines 24-27); and wherein the control is an electric control (Figs. 1, 2).

4. Claims 1, 8, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by McCauley et al. (6,750,623).

McCauley discloses a control for a fan (Figs. 1-3) comprising a logic circuit 80 configured for receiving a monitoring signal and generating a fan control signal based on the monitoring signal (col. 4, lines 23-25); at least one timer connected to the logic circuit and configured for generating a purge signal (col. 4, 54-56); a relay assembly 36 connected to the logic circuit and configured for receiving the fan control signal and the purge signal to operate the fan in a plurality of operating modes;

wherein the fan is a non-variable pitch fan having fan blades and the relay assembly causes a change in a direction of rotation of the fan blades (col. 3, lines 21-32).

Regarding claims 18 and 19, McCauley discloses a control for a fan (Figs. 1-3) comprising means for receiving a monitoring signal and generating a fan signal based on the monitoring signal 80; means for generating a purge signal configured for overriding the fan signal 54 (col. 3, lines 56-61); means for controlling a direction of rotation of the fan in one of a clockwise direction and a counterclockwise direction 36 based on the purge signal and the monitoring signal;

Art Unit: 3745

wherein means for receiving a monitoring signal 80 comprises a logic circuit having an input terminal configured for receiving the monitoring signal (col. 4, lines 23-25).

Allowable Subject Matter

5. Claims 11, and 14-17, due to the method step of determining if the monitored predetermined parameter exceeds a threshold, and if not operating the fan in the neutral mode, otherwise transmitting a fan on signal to a control to operate the fan in the cooling mode, are allowed.
6. Claims 2-4, 6, 7, 9, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 12 and 13 would be allowable if rewritten to overcome the objections set forth in the "Claim Objections" section of this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Osecky et al. (6,532,151) is cited to show a control for a fan.


Art Unit: 3745

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
June 16, 2005